

106TH CONGRESS  
1ST SESSION

# H. R. 1192

To amend the Occupational Safety and Health Act of 1970.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 1999

Mr. HEFLEY (for himself, Mr. TAYLOR of North Carolina, Mr. SKEEN, Mr. NORWOOD, Mr. BONILLA, Mr. PAUL, Mr. CANADY of Florida, Mr. ISTOOK, Mr. SCHAFER, Mr. GRAHAM, Mr. SAM JOHNSON of Texas, Mr. HANSEN, and Mr. NETHERCUTT) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Occupational Safety and Health Act of 1970.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; REFERENCE.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “OSHA Reform Act of 1999”.

6       (b) REFERENCE.—Whenever in this Act an amend-  
7       ment or repeal is expressed in terms of an amendment  
8       to, or repeal of, a section or other provision, the reference  
9       shall be considered to be made to a section or other provi-  
10      sion of the Occupational Safety and Health Act of 1970.

1 **SEC. 2. REPEALS.**

2 Sections 8, 9, 10, 11, 12, and 17 (29 U.S.C. 657,  
3 658, 659, 660, 666) are repealed.

4 **SEC. 3. OCCUPATIONAL SAFETY AND HEALTH STANDARDS.**

5 (a) STANDARD BASIS.—Paragraph (5) of section 6(b)  
6 (29 U.S.C. 655(b)) is amended to read as follows:

7 “(5) The development of standards under this  
8 section shall be based upon the latest scientific data  
9 in the field and on such research, demonstrations,  
10 experiments, and other information as may be ap-  
11 propriate. In establishing such standards, the Sec-  
12 retary shall consider and make findings concerning  
13 the appropriateness of the standard to the following  
14 factors:

15 “(A) The standard is needed to address a  
16 significant risk of material impairment to work-  
17 ers and will substantially reduce that risk.

18 “(B) The standard is feasible.

19 “(C) There is a reasonable relationship be-  
20 tween the costs and benefits of the standard.

21 “(D) The standard will provide protection  
22 to employees in the most cost-effective manner  
23 to minimize employment loss due to the stand-  
24 ard in the affected industries.

1                   “(E) Whenever practicable, the standard  
 2                   shall be expressed in terms of objective criteria  
 3                   and of the performance desired.”.

4           (b) TOXIC MATERIALS OR HARMFUL PHYSICAL  
 5 AGENTS.—The second sentence of section 6(g) (29 U.S.C.  
 6 655(g)) is amended to read as follows: “In determining  
 7 the priority for establishing standards dealing with toxic  
 8 materials or harmful physical agents, the Secretary shall  
 9 consider the number of workers exposed to the material  
 10 or agent, the nature and severity of the potential impair-  
 11 ment, and the likelihood of such impairment.”.

12 **SEC. 4. NEW PROVISIONS.**

13           (a) EMPLOYEE PARTICIPATION.—The Act is amend-  
 14 ed by adding at the end the following:

15                   “EMPLOYEE PARTICIPATION

16           “SEC. 33. In order to carry out the purposes of this  
 17 Act to encourage employers and employees in their efforts  
 18 to reduce the number of occupational safety and health  
 19 hazards, an employee participation committee or other  
 20 mechanism—

21                   “(1) in which employees participate,

22                   “(2) which exists for the purpose, in whole or  
 23 in part, of dealing with employees concerning the  
 24 safety or health of working conditions or related  
 25 matters, and

1           “(3) which does not have, claim, or seek author-  
2           ity to negotiate or enter into collective bargaining  
3           agreements with an employer or to amend existing  
4           collective bargaining agreements between and em-  
5           ployer and any labor organization,  
6           shall not constitute a ‘labor organization’ for purposes of  
7           section 8(a)(2) of the National Labor Relations Act or a  
8           representative for purposes of sections 1 and 2 of the Rail-  
9           way Labor Act.

10          (b) SMALL BUSINESS ASSISTANCE AND TRAINING.—  
11          The Act, as amended by subsection (a), is amended by  
12          adding after section 33 the following:

13               “SMALL BUSINESS ASSISTANCE AND TRAINING  
14               “SEC. 34. (a) The Secretary shall establish and im-  
15               plement a program to provide technical assistance and  
16               consultative services for employers and employees, either  
17               directly or by grant or contract, concerning worksite safety  
18               and health and compliance with this Act. Such assistance  
19               shall be targeted at small employers and the most haz-  
20               ardous industries.

21               “(b) This subsection authorizes the consultative serv-  
22               ices to employers provided under cooperative agreements  
23               between the States and the Occupational Safety and  
24               Health Administration and described in part 1908 of title  
25               39 of the Code of Federal Regulations.

1 “(c) Not less than one-fourth of the annual appro-  
2 priation made to the Secretary to carry out this Act shall  
3 be expended for the purposes described in this section.”.

4 (c) VOLUNTARY PROTECTION PROGRAM AWARD.—  
5 The Act, as amended by subsection (b), is amended by  
6 adding after section 34 the following:

7 “VOLUNTARY PROTECTION PROGRAM AWARD

8 “SEC. 35. (a) The Secretary shall establish an award  
9 which shall periodically be made to companies and other  
10 organizations which have implemented particularly effec-  
11 tive approaches to addressing occupational safety and  
12 health in the workplace, including those which provide for  
13 effective employee involvement in improving safety and  
14 health and which are as a consequence deserving of special  
15 recognition.

16 “(b) A company or organization to which an award  
17 is made under subsection (a) and which agrees to help  
18 other American companies or organizations improve their  
19 occupational safety and health may publicize its receipt  
20 of such award and use the award in its advertising, but  
21 it shall be ineligible to receive another such award in the  
22 same category for a period of 5 years.

23 “(c)(1) Subject to paragraph (2), separate awards  
24 shall be made to qualifying organizations and companies  
25 in each of the following categories—

26 “(A) Small businesses.

1           “(B) Other companies or their subsidi-  
2           aries.

3           “(C) Companies which primarily perform  
4           construction work.

5           “(2) CHANGE IN LIST.—The Secretary may at  
6           any time expand, subdivide, or otherwise modify the  
7           list of categories within which awards may be made  
8           as initially in effect under paragraph (1) and may  
9           establish separate awards for other organizations  
10          and companies including units of government, upon  
11          a determination that the objectives of this section  
12          would be better served thereby; except that any such  
13          expansion, subdivision, modification, or establish-  
14          ment shall not be effective unless and until the Sec-  
15          retary has submitted a detailed description thereof  
16          to the Congress and a period of 30 days has elapsed  
17          since that submission.

18          “(3) Not more than 2 awards may be made  
19          within any subcategory in any year (and no award  
20          shall be made within any category or subcategory if  
21          there are no qualifying enterprises in that category  
22          or subcategory).

23          “(d) An organization or company may qualify for an  
24          award under subsection (a) only if it—

1           “(1) applies to the Secretary in writing, for the  
2       award,

3           “(2) permits a rigorous evaluation of its occu-  
4       pational safety and health operations, and

5           “(3) meets such requirements and specifications  
6       as the Secretary determines to be appropriate to  
7       achieve the objectives of this section.

8   In applying paragraph (3) with respect to any organiza-  
9   tion or company, the Secretary shall rely upon an intensive  
10  evaluation of the occupational safety and health operation.  
11  The examination should encompass all aspects of the orga-  
12  nization’s or company’s current occupational safety and  
13  health practice. The award shall be given only to organiza-  
14  tions and companies which have made outstanding im-  
15  provements in their occupational safety and health prac-  
16  tices and which demonstrate effective occupational safety  
17  and health practices through the training and involvement  
18  of all levels of personnel.

19       “(e) The Secretary shall ensure that all program par-  
20  ticipants receive the complete results of their audits as  
21  well as detailed explanations of all suggestions for im-  
22  provements. The Secretary shall also provide information  
23  about the awards and the successful quality improvement  
24  strategies and programs of the award-winning participants  
25  to all participants and other appropriate groups.

1       “(f) The Secretary is authorized to seek and accept  
2 gifts from public and private sources to carry out the pro-  
3 gram under this section. If additional sums are needed  
4 to cover the full cost of the program, the Secretary shall  
5 impose fees upon the organizations and companies apply-  
6 ing for the award in amounts sufficient to provide such  
7 additional sums.

8       “(g) The Secretary shall prepare and submit to the  
9 President and the Congress, within 3 years after the date  
10 of the enactment of this section, a report on the progress,  
11 findings, and conclusions of activities conducted pursuant  
12 to this section along with recommendations for possible  
13 modifications thereof.”.

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